

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #2
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
	:	Hearing date/time: 8/29/2019 @ 9 am
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	
Debtors/Respondents	:	
and	:	
Ronda J. Winnecour, Esquire	:	
Trustee/Respondent	:	

OBJECTION TO CONFIRMATION OF THE PLAN DATED 05/01/2018

U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. ("Movant"), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Joseph P. Pelesky, Sr. and Carolynn Pelesky ("Debtors"), as follows:

1. As of the bankruptcy filing date of January 31, 2019, Movant holds a secured Claim against the Debtors' property located at 2941 Glenmore Avenue, Pittsburgh, PA 15216.
2. Movant is in the process of filing a Proof of Claim by the 04/11/2019 bar date, with estimated pre-petition arrears in the amount of \$31,897.89.
3. The Plan currently proposes payment to Movant in the amount of \$21,000.00 for pre-petition arrears.
4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
5. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

6. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 03/21/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
debersole@hoflawgroup.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #2
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
	:	Hearing date/time: 8/29/18 @ 9 am
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	
Debtors/Respondents	:	
and	:	
Ronda J. Winnecour, Esquire	:	
Trustee/Respondent	:	

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on 03/21/2019:

Shawn N. Wright
7240 McKnight Road
Pittsburgh, PA 15237
Via First Class Mail
Attorney for Debtor

Joseph P. Pelesky, Sr.
Carolynn Pelesky
2941 Glenmore Avenue
Pittsburgh, PA 15216
Via First Class Mail
Debtors

Ronda J. Winnecour, Esquire
Via ECF
Trustee

Respectfully Submitted,

Date: 03/21/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
debersole@hoflawgroup.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #12
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
	:	Hearing date/time: 8/29/19 @ 9 am
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	
Debtors/Respondents	:	
and	:	
Ronda J. Winnecour, Esquire	:	
Trustee/Respondent	:	

ORDER

Upon consideration of U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc.'s Objection to Confirmation of the proposed Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2019 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable Carlota M. Bohm
United States Bankruptcy Judge